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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Human rights violations in Bougainville

Report of the Secretary-General

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Introduction

1. At its forty-ninth session, the Commission on Human Rights adopted resolution 1993/76, entitled "Human rights violations in Bougainville", in which, inter alia, it requested the Secretary-General to transmit to the Commission on Human Rights information made available to him on the situation in Bougainville by the Government of Papua New Guinea and other reliable sources for consideration at its fiftieth session.

2. By note verbale dated 1 July 1993, the Secretary-General communicated the aforementioned resolution to the Government of Papua New Guinea and requested the Government to provide him with any information and views it might wish to submit. This request was reiterated in a further note verbale addressed to the Government of Papua New Guinea on 17 November 1993. To date, no reply has been received from the Government.

3. The present report has been prepared in compliance with the request addressed to the Secretary-General in the above-mentioned resolution. It contains information on activities undertaken by United Nations human rights mechanisms and procedures with regard to the human rights situation in Bougainville. The annex contains a summary of information provided by non-governmental organizations.

I. ACTIVITES OF TREATY BODIES ESTABLISHED UNDER INTERNATIONAL INSTRUMENTS

A. Committee on the Elimination of Racial Discrimination

4. The Committee on the Elimination of Racial Discrimination considered the implementation of the Convention on the Elimination of Racial Discrimination in Papua New Guinea and, in particular, the situation in Bougainville, at its 1007th meeting, held on 17 August 1993 (see CERD/C/SR.1007 and A/48/18, paras. 567-573). Papua New Guinea has been a party to this Convention since 1982.

5. In its concluding observations, adopted at the 1010th meeting on 19 August 1993, the Committee expressed concern at reports of serious human rights violations in Bougainville, including summary executions and population transfers, as well as large-scale mining operations in Bougainville without due regard to the rights of the population or the adverse effects of environmental degradation. The Committee suggested, inter alia, that the Government of Papua New Guinea should cooperate with international fact-finding missions which were seeking to assist in the resolution of the conflict in Bougainville.

B. Committee on the Rights of the Child

6. Papua New Guinea ratified the Convention on the Rights of the Child on 1 March 1993. A report on the implementation of the Convention by the Government of Papua New Guinea is to be submitted to the Committee on the Rights of the Child in 1995.

II. MECHANISMS OF THE COMMISSION ON HUMAN RIGHTS

7. On 21 May 1993, the Special Rapporteur on extrajudicial, summary or arbitrary executions transmitted an urgent appeal to the Government of Papua New Guinea after being informed that Ken Savia, Mr. Toromura and Gabriel Tameung had been arrested by the security forces. Fears had been expressed that they might have been killed while in custody.

8. On 29 July 1993, the Special Rapporteur also transmitted to the Government of Papua New Guinea allegations he had received concerning large-scale human rights violations, including extrajudicial, summary or arbitrary executions, on the island of Bougainville. According to these reports, many suspected members of the Bougainville Revolutionary Army (BRA) had become victims of executions or disappearances at the hands of the security forces of Papua New Guinea. Several civilians were said to have been killed when the boats or trucks they were travelling in were shelled or strafed by the military. Others were allegedly killed in Government-controlled "care centres", established by the authorities to provide shelter to Bougainvilleans fleeing the BRA. It had further been reported that the BRA was also responsible for serious abuses, including killings of alleged opponents to the secessionist movement. The Special Rapporteur was also informed that no efforts had been made by the Government of Papua New Guinea to stop human rights violations on Bougainville. On the contrary, the authorities were said to have persistently denied the occurrence of such violations on the island.

9. At the time of the preparation of the present report, the Government of Papua New Guinea had not provided any replies to the Special Rapporteur's requests for information contained in the aforementioned communications.

III. ADVISORY SERVICES AND TECHNICAL ASSISTANCE

10. Cooperation was established in 1993 between the Government of Papua New Guinea and the Advisory Services and Technical Assistance Branch of the United Nations Centre for Humn Rights. Information on this cooperation, which focuses on the strengthening of national mechanisms for the promotion and protection of human rights in Papua New Guinea, may be found in the Secretary-General's report to the Commission on Human Rights on advisory services and technical assistance in the field of human rights (E/CN.4/1994/78).

Annex I

INFORMATION ON THE HUMAN RIGHTS SITUATION IN BOUGAINVILLE PROVIDED BY NON-GOVERNMENTAL SOURCES

A. Amnesty International

1. The Secretary-General received information from Amnesty International. In November 1993, this organization published a detailed report on human rights violations which occurred on the island of Bougainville between 1991 and 1993 against the background of the armed conflict between the Papua New Guinea Defence Forces (PNGDF) and the Bougainville Revolutionary Army (BRA), which had erupted in late 1989. The occurrence of such violations, which included extrajudicial executions, torture, rape, beatings and harassment of civilians, reportedly increased during periods of intensified activities of government troops in different parts of Bougainville and the neighbouring island of Buka.

2. The PNGDF were said to have targeted civilians whom they suspected of being BRA members or sympathizers. Throughout the armed conflict, human rights violations were also reported to have taken place in "care centres" established by the Government of Papua New Guinea. An estimated 20,000 to 40,000 people were relocated in such centres. While in some areas "care centres" were said to serve to protect Bougainvilleans from acts of violence by BRA members, in most cases their residents were reportedly forcibly relocated by the Government, often after their villages had been burned or otherwise destroyed. In the centres, the residents were allegedly subjected to constant surveillance, intimidation and persecution by security forces. Several cases of rape and other forms of sexual abuse in "care centres" have also been reported. Furthermore, from early 1992, boats were reportedly shot at by the security forces from the air or from military patrol boats, which resulted in the killing of many civilians.

3. Amnesty International also reported abuses by members of the BRA throughout the armed conflict. Civilians accused of being "spies" for the PNGDF or having betrayed the secessionist movement by negotiating with representatives of the central Government were said to have become victims of deliberate killings, torture, rape and other forms of sexual abuse as well as hostage-taking.

4. Since the beginning of the armed conflict, constitutional, judicial and other institutional safeguards for the protection of human rights in Papua New Guinea were reported to have been largely suspended. By September 1993, very few members of the security forces were said to have been subjected to disciplinary proceedings and none were known to have been prosecuted for human rights violations committed after the PNGDF troops had landed in Bougainville for the second time in April 1991. Government officials reportedly stated in mid-1993 that investigations could not be carried out until the situation had normalized. A new Internal Security Act,

announced in mid-1993 and made public in the Government Gazette in August 1993, was reported to permit further suspension of constitutional safeguards. It is not clear as of when this law will be in effect.

5. Concerns were also expressed at the restrictions on access to the island of Bougainville imposed by the Government which impedes human rights monitoring and left the security forces virtual freedom of action. The non-governmental organization Médecins sans Frontières saw itself forced to withdraw from the area in November 1993, after their delegations had been subjected to serious limitations of access to Bougainville. Furthermore, an economic and communications blockade in effect since the first half of 1991 caused hardship for the population. The Government reportedly claimed that 90 per cent of the services had been restored on the island. However, in practice deliveries were said to be sporadic and reach only selected parts of the island.

6. In addition, Amnesty International reported on evidence that two of four helicopters supplied to Papua New Guinea by Australia were used by the PNGDF as gunships and employed in attacks against civilians. Concern was expressed that a fifth helicopter was handed over in 1993 despite the fact that investigations into these allegations had not been concluded.

7. The Secretary-General was informed that, while initially rejecting and condemning this report, the Minister of Defence of Papua New Guinea reportedly stated that his Government would fully address the Amnesty International report issued in November 1993. However, it was reported that the Deputy Prime Minister of Papua New Guinea had defended the military's role on Bougainville, rejecting as unnecessary Amnesty's call for the Government to allow humanitarian groups onto the island.

B. Médecins sans Frontières

8. In an open letter of 11 November 1993 explaining the reasons for their withdrawal from the area, Médecins sans Frontières stated that an estimated 50,000 persons were still present in zones of the island which were not controlled by the PNGDF. The organization asserted that the blockade of the island imposed by the Government of Papua New Guinea had resulted in a lack of access of even the most basic medical services to these areas. The organization maintained that the lack of preventive and curative care over the past three or four years has caused elevated death rates among the most vulnerable groups in the population such as children and pregnant women.

C. Other non-governmental sources

9. The Secretary-General also received information from other non-governmental sources. A report by Rosemarie Gillespie, an Australian barrister who, in late 1992 and early 1993, spent five months on the island of Bougainville gathering information, contains allegations of large-scale human rights violations, including shooting and killing of civilians, torture and sexual abuse, theft and killing of domestic animals as well as destruction of houses and food gardens of the civilian population, by members of the PNGDF in

various parts of the island. The report contains a number of witnesses' accounts giving testimony of attacks on civilians in which the PNGDF used patrol boats and helicopters equipped with machine guns as well as raids by the security forces on bush camps resulting in alleged extrajudicial executions of civilians who had been hiding there. In addition, 5,000 people, among them many children, were reported to have died as a result of the blockade imposed on the island of Bougainville by the Government of Papua New Guinea, due to lack of medicines and other essential supplies.